Combatting Police Discrimination in the Age of Big Data

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“Stop-and-Frisk” and Stop-level Hit Rate (SHR)

**Terry Stop**: officers briefly detain an individual given “reasonable suspicion” that crime is afoot, and conduct a pat-down if they suspect the individual is armed and dangerous.

**SHR analysis**: uses a statistical model to calculate the *ex-ante* likelihood, based on the information available to the officer, that a Terry stop will be “successful”—i.e., will result in finding what the officers suspect they will find.
Police departments can improve the efficiency and the fairness of their stop-and-frisk practices.

Courts can assess whether a police department has engaged in illegal discrimination [14A].

Courts can assess whether stops were supported by “reasonable articulable suspicion.” [4A]
Of weapon stops:

19% of white stops,
34% of Hispanic stops,
and 49% of black stops

Have a SHR under 1%
SHR applications - Illegal discrimination

- Provide evidence—albeit circumstantial—of discrimination in particular cases.

- Counter a common “neutral” explanation for racial disparities in stop rates: aggressive policing in “high crime” areas.

- Failure to make use of the lessons of SHR analysis may be evidence of discriminatory intent.
A program-level view

The constitutionality of a stop policy depends on the reasonableness of the program, which depends in part on the hit rate.

It should weigh against a finding of reasonableness that the program disproportionately burdens racial minorities, or any other traditionally disadvantaged group.
Three broad points

● The potential uses of big data to make policing more fair and more effective are just beginning to be discovered.

● New tools of police accountability warrant reexamination of traditional rules and assumptions pertaining to legal oversight of the police.

● Terry stops should be analyzed not as isolated interactions, but as programs.
Thanks!

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